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Attorneys for Plaintiff
United States of America

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

HORACIO ORTEGA-MARTINEZ,

Defendant.

CASE NO. 1:22-CR-00132-JLT-SKO

STIPULATION REGARDING EXCLUDABLE
TIME PERIODS UNDER SPEEDY TRIAL ACT;
ORDER

DATE: August 31, 2022

TIME: 1:00 p.m.

COURT: Hon. Magistrate Judge Sheila K. Oberto

STIPULATION

Plaintiff United States of America, by and through its counsel of record, and defendant, by and through defendant's counsel of record, hereby stipulate as follows:

1. By previous order, this matter was scheduled for a status conference on August 31, 2022.
2. By this stipulation, the parties move to continue the status conference until October 19, 2022, or the Court's earliest convenience, and to exclude time from calculation under the Speedy Trial Act between August 31, 2022, and October 19, 2022.
3. The parties agree and stipulate, and request that the Court find the following:
 - a) Initial discovery was provided to defendant on or about May 20, 2022, consisting of 1,082 Bates-stamped items including wiretap data, reports of investigation, photographs, recordings of post-arrest interviews, and a summary of defendant's criminal history.
 - b) Counsel for defendant desires additional time to review discovery, consult with

1 her client, conduct investigation and research related to the charges, and to otherwise prepare for
2 trial.

3 c) Counsel for defendant believes that failure to grant the above-requested
4 continuance would deny her the reasonable time necessary for effective preparation, taking into
5 account the exercise of due diligence.

6 d) Based on the above-stated findings, the ends of justice served by continuing the
7 case as requested outweigh the interest of the public and the defendant in a trial within the
8 original date prescribed by the Speedy Trial Act.

9 e) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161,
10 et seq., within which trial must commence, the time period of August 31, 2022 to October 19,
11 2022, inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv), because it
12 results from a continuance granted by the Court at defendant's request on the basis of the Court's
13 finding that the ends of justice served by taking such action outweigh the best interest of the
14 public and the defendant in a speedy trial.

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1 4. Nothing in this stipulation and order shall preclude a finding that other provisions of the
2 Speedy Trial Act provide that additional time periods are excludable from the period within which a trial
3 must commence.

4 IT IS SO STIPULATED.

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7 Dated: August 23, 2022

PHILLIP A. TALBERT
United States Attorney

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9 /s/ CHRISTOPHER D. BAKER
CHRISTOPHER D. BAKER
Assistant United States Attorney

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12 Dated: August 23, 2022

/s/ MELISSA A. BALOIAN
MELISSA A. BALOIAN
Counsel for Defendant
HORACIO ORTEGA-
MARTINEZ

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17 **ORDER**

18 IT IS SO ORDERED.

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20 DATED: 8/24/2022

Sheila K. Oberto
THE HONORABLE SHEILA K. OBERTO
UNITED STATES MAGISTRATE JUDGE